

**By** the Committee on Criminal Justice; and Senator Martin

591-01886-26

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A bill to be entitled

An act relating to criminal gang members; amending s. 874.03, F.S.; defining the term "gang-related language"; revising the definition of the term "criminal gang member"; reenacting ss. 823.05(2)(a), 921.141(6)(n), and 951.23(11), F.S., all relating to the definition of the term "criminal gang member", to incorporate the amendment made to s. 874.03, F.S., in references thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 874.03, Florida Statutes, is amended to read:

874.03 Definitions.—As used in this chapter:

(3) “Gang-related language” is any verbal or written statement that signals gang affiliation, supports gang activity, or uses recognized gang codes, symbols, or terminology associated with criminal organizations. Written statements include any digital or electronic statements, including statements made on any online platform or social media.

(4) "Criminal gang member" means is a person who meets two or more of the following criteria:

(a) Admits in person or on an online platform or social media that he or she is a criminal gang member.

(b) (a) Is identified or claimed by a ~~Admits to~~ criminal gang as one of its members ~~membership~~.

(c)(b) Is identified as a criminal gang member by a parent, or guardian, or spouse living with the person.

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30        (d)-(e) Is identified as a criminal gang member by a  
31 documented reliable informant.

32        (e)-(d) Adopts the style of dress of a criminal gang.

33        (f)-(e) Adopts the use of a hand sign identified as used by  
34 a criminal gang.

35        (g)-(f) Has a tattoo identified as used by a criminal gang.

36        (h)-(g) Associates with one or more known criminal gang  
37 members.

38        (i)-(h) Is identified as a criminal gang member by an  
39 informant of previously untested reliability and such  
40 identification is corroborated by independent information.

41        (j)-(i) Is identified as a criminal gang member by physical  
42 evidence.

43        (k)-(j) Has been observed in the company of one or more  
44 known criminal gang members two four or more times. Observation  
45 in a custodial setting requires a willful association. It is the  
46 intent of the Legislature to allow this criterion to be used to  
47 identify gang members who recruit and organize in jails,  
48 prisons, and other detention settings.

49        (l)-(k) Has authored any communication indicating gang  
50 affiliation or gang activity or accepting responsibility for the  
51 commission of any crime by a the criminal gang member.

52        (m) Uses gang-related language on an online platform or  
53 social media.

54  
55 Where a single act or factual transaction satisfies the  
56 requirements of more than one of the criteria in this  
57 subsection, each of those criteria has thereby been satisfied  
58 for the purposes of this subsection the statute.

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59       Section 2. For the purpose of incorporating the amendment  
60 made by this act to section 874.03, Florida Statutes, in a  
61 reference thereto, paragraph (a) of subsection (2) of section  
62 823.05, Florida Statutes, is reenacted to read:

63       823.05 Places and groups engaged in certain activities  
64 declared a nuisance; abatement and enjoinder.—

65       (2) (a) As used in this subsection, the terms "criminal  
66 gang," "criminal gang member," "criminal gang associate," and  
67 "criminal gang-related activity" have the same meanings as  
68 provided in s. 874.03.

69       Section 3. For the purpose of incorporating the amendment  
70 made by this act to section 874.03, Florida Statutes, in a  
71 reference thereto, paragraph (n) of subsection (6) of section  
72 921.141, Florida Statutes, is reenacted to read:

73       921.141 Sentence of death or life imprisonment for capital  
74 felonies; further proceedings to determine sentence.—

75       (6) AGGRAVATING FACTORS.—Aggravating factors shall be  
76 limited to the following:

77       (n) The capital felony was committed by a criminal gang  
78 member, as defined in s. 874.03.

79       Section 4. For the purpose of incorporating the amendment  
80 made by this act to section 874.03, Florida Statutes, in a  
81 reference thereto, subsection (11) of section 951.23, Florida  
82 Statutes, is reenacted to read:

83       951.23 County and municipal detention facilities;  
84 definitions; administration; standards and requirements.—

85       (11) GANG STATUS OF INMATES.—A county or municipal  
86 detention facility may designate an individual to be responsible  
87 for assessing whether each current inmate is a criminal gang

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88 member or associate using the criteria in s. 874.03. The  
89 individual should at least once biweekly transmit information on  
90 inmates believed to be criminal gang members or associates to  
91 the arresting law enforcement agency.

92       Section 5. This act shall take effect July 1, 2026.